

P.R. No. 223/8
Presented by Shri. R. Jaiswal
dated 16/1/06

CG 100 ✓

**IN THE HIGH COURT OF CHHATTISGARH AT
BILASPUR**

W.P. No. 342 of 2006.

PETITIONER:

Prasiddha Narayan Singh s/o
Late Shri Vijai Bahadur Singh,
resident of At and post North
Jhagara Khand Colliery, District
Koria (C.G.).

VERSUS

RESPONDENT : 1

.Singhi Collieries Education
Society through its Chairman/Chief
General Manager S.E.C.L.
Hasdeo Area, District Koria,
(C.G.)497448.

2. Chairman Cum Managing Director
S.E.C.L. Seepat Road Bilaspur.

3. Chief General Manager S.E.C.L.
Hasdeo Area At and Post South
Jhagara Khand Colliery, District
Koria, (C.G.)497448

4. Chief Personnel Manager S.E.C.L.
Hasdeo Area At and Post South
Jhagara Khand Colliery District
Koria (C.G.) 497448

5. Principal Higher Secondary, School
North Jhagra Khand Colliery
District Koria (C.G.)497446



**WRIT PETITION UNDER ARTICLE 226/227 OF THE
CONSTITUTION OF INDIA FOR THE ISSUANCE OF
WRIT IN THE NATURE OF MANDAMUS
CERTIORARI, PROHIBITION AND FOR OTHER
SUITABLE WRIT OR WRITS ORDER OR ORDERS
DIRECTION OR DIRECTIONS.**

आदेश पत्रक

WP 342/06

मामला क्रमांक

सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<u>23-1-2006</u> Shri R.K. Jaiswal, counsel for the petitioner. Application for urgent hearing is allowed. Heard. This petition under Article 226/227 of the Constitution of India has been filed by the petitioner for issuance of a writ in the nature of mandamus, certiorari, prohibition and other suitable writ, order or direction. On perusal of the record, it appears that the petitioner had earlier filed a writ petition bearing W.P. No.1470/2005, which was dismissed by this Court vide order dated 8/11/2005, after hearing all the parties. The relevant portion of the said order is quoted below: <i>"Learned counsel for the petitioner submits that the petitioner was not given any notice/intimation with regard to his retirement, as such he continued in the service after November, 2004. Learned counsel further submits that since the petitioner had worked after November, 2004 also, he is entitled to his salary on the post of Head Master till date. Learned counsel for the petitioner also submits that the petitioner has been making his signature regularly in the office record.</i> <i>Mr. Koshy, learned counsel appearing for respondents 2 to 4 submits that the petitioner retired in the month of November, 2004 on attaining the age of superannuation i.e. 62 years and there is no question of continuation of his service as no</i>	

[पीछे देखिये]

आदेश पत्रक

मामला क्रमांक

WP 342/06

सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित - 2 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	work was taken from the petitioner. Learned counsel further submits that the petitioner used to go in the morning and used to leave the school immediately without performing any work, as such the petitioner is not entitled to any salary after superannuation. The submission of learned counsel for the petitioner that the petitioner had been working even after November, 2004 has been strongly denied by the respondents. The petitioner has not shown any proof to establish that the respondents had taken any work from him. Learned counsel for the respondents further submits that the petitioner had been signing on his own without any requirement and no work was taken from the petitioner after November, 2004. Shri S.K. Dadsena, learned counsel for respondent no.5, adopts the submissions made by Shri P.S. Koshy, learned counsel appearing for respondents no.2 to 4. Having heard learned counsel for the parties and perused the records, it is admitted that the petitioner retired from the service as Head Master of respondent no.5-School on attaining the age of superannuation i.e. 62 years. The petitioner could not establish that any work was taken from him after November, 2004. Accordingly, the petitioner is not entitled to any salary after the retirement as he has not worked in the school except making his signatures in the office record on his own. In view of the foregoing, the petition is dismissed. No order as to costs." After the dismissal of the aforesaid writ petition, the petitioner preferred a review petition i.e. M.C.C. No.263/2005, which was also dismissed by this Court as withdrawn vide order dated 3/1/2006.	

[पीछे देखिये]

आदेश पत्रक

मामला क्रमांक

WP 342/06

सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
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	In view of the fact that the earlier petition seeking the same relief has already been dismissed by this Court by giving a categorical finding that the petitioner is not entitled to any salary after the retirement as he has not worked in the school except making his signatures in the office record on his own and thereafter a review application has also been dismissed as withdrawn, this second petition agitating the same question is not maintainable. Accordingly, the instant petition is liable to be and is dismissed with costs. Consequently, M.W.P. No.278/2006 also stands disposed of.	
		Sd/- Fakhruddin Judge

H/-

[पीछे देखिये]